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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): ERFANI 3-26-22

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on MAY 1, 2006

Signature: /John Ligon/

Typed or printed name: JOHN LIGON

Application Number	Filed
09/895,948	06/29/2001

First Named Inventor: ERFANI

Art Unit	Examiner
2633	NATHAN M CURS

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 35,938
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

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Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _____ forms are submitted.

Form PTO/SB/33 Supporting Reasons
Application S/N 09/895,948

Two of the pending independent claims (claims 1 and 16), along with dependent claims 8-10 stand rejected as being anticipated by Moy *et al.* (U.S. Published Patent Application No. 2003/0035411A1). The remaining independent claims (claims 11 and 19) and all remaining dependent claims stand rejected as being unpatentable over combinations of Moy *et al.* and at least one of three cited secondary references. Applicants respectfully submit that the cited art does not teach or suggest one or more distinguishing features of the invention which appear as limitations in each of the independent claims.

The invention disclosed and claimed in this application is directed to an enhanced signaling system that operates to provide a signaling platform that is independent of the electronic and optical switching and transmission systems interconnected with an integrated optical network. In particular, the enhanced signaling system of the invention provides a signaling mechanism that allows any interface device to the optical network to be handled without the need to use the legacy signaling techniques of that device. A key feature of the invention is that of the signaling method and apparatus of the invention operating to process signaling information from various external signaling networks or devices, including networks/devices operating with electronic signaling, independently of the legacy signalling techniques of the external network or device. Thus the signaling can be accomplished by way of optical interfaces that couple directly to the respective optical components rather than having signaling being accomplished through electrical connections as occurs in the prior art. This feature of the invention is described at page 6, line 1 through page 7, line 6, and particularly at page 6, lines 1-5 and page 6, lines 16-18. Each of the independent claims was

amended during the prior prosecution to include a limitation clearly addressed to this feature of the invention.

Notwithstanding the Examiner's repeated assertions of Moy as teaching the essential features of the invention (and to which the Applicants have offered repeated amendments directed to more precisely characterising the distinction over Moy), Applicants respectfully submit that Moy simply does not provide a teaching that can reasonably be construed to show or suggest a ubiquitous signaling system that operates to interface multiple legacy external signaling systems to an integrated optical network independently of the signaling techniques/protocols of those multiple external signaling systems. The Applicants further submit that the passages in Moy cited in support of the Examiner's position that Moy discloses signalling being "independent of legacy signalling methodologies" really teach no more than that Moy operates to convert between electrical and optical signals at some interfaces.

Indeed, the thurst of Moy is directed to the transmission of payload via Moy's network, rather than to signalling for such transmission. The only signaling addressed by Moy is that between an end user device and an input node to the optical network of Moy, signaling which in most cases will be electrical in character, with no suggestion of conversion to optical form for interfacing with the optical network.

In the final analysis, the invention here operates to address a combination of many heterogeneous systems which each may require a different signalling system to launch a call across an optical network, and provides a new signalling approach whereby all signalling translations for the different end points are handled independently of the leagacy end-point signalling systems. Nothing in the teaching of Moy can reasonably be construed to teach or

suggest such a ubiquitous signaling mechanism that operates independently of the external signaling networks to which it is interfaced.

In regard to the claims rejected as being unpatentable over a combination of Moy and one or more secondary references, it is noted that Moy is relied on in all such rejections as teaching the feature of the invention whereby the signalling mechanism operates independently of the external signalling networks to which it is interfaced. As shown above, Moy can not reasonably be construed to teach that feature of the invention. Thus, the primary reference for those unpatentabilty rejections fails, and the recited combinations must therefore necessarily fail.

Each of Applicants' independent claims includes a limitation addressed to the distinguishing feature of the invention described above – independence of signalling from legacy signalling techniques of interfaced networks/devices. Accordingly, Applicant submits that all of the independent claims should be found patentable over the art of record. The remaining rejected claims all depend, either directly or indirectly from one of those independent claims, and should also be patentable.

Although the Applicants recognize that the USPTO need not accord any precedential value to actions of other national patent offices, they believe it worthy of note that, in the counterpart application for this invention filed with the European Patent Office, an independent claim corresponding in substance to independent claim 19 here has been allowed by the EPO. The other independent claims pending here were not considered by the EPO Examiner.